HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram : Hon'ble Shri Jagdish Bhalla, Acting C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.C.C. No.406 of 2006

Applicant N.G. Naidu, aged 67 years, son of late Shri N.V. Naidu, resident of Ratnam Banglow No.105, Vivekanand Nagar, Bandhwapara, Near Old Power House, Torwa, Bilaspur (Chhattisgarh)

versus

Non-Applicants

1. N. Shri Ram Naidu, aged 55 years, son of late Shri N. Kalidas, resident of L.C.S.E. Railway, Q. No.443, Bag Bera, Railway Colony, Tatanagar (Jharkhand)
2. N. Jagannath Rao, aged 50 years, son of late Shri N. Kalidas, resident of Ratnam Banglow No.105, Vivekanand Nagar, Bandhwapara, Near Old Power House, Torwa, Bilaspur (Chhattisgarh)
3. N. Bhasker Rao Naidu, aged 48 years, son of late Shri N. Kalidas, resident of at present Deorikhurd Colony, Deorikhurd, Bilaspur (C.G.)
4. Kumari N. Indu Naidu, aged 30 years, daughter of late Shri N. Kalidas, C/o Shri N. Jagannath, resident of Ratnam Banglow No.105, Vivekanand Nagar, Bandhwapara, Near Old Power House, Torwa, Bilaspur (Chhattisgarh)
5. Smt. A. Meena Naidu, aged 38 years d/o late Shri N.S.Prakash, resident of plot No.5 & 6, Kalbaswamy Nagar, Friends Colony, Nagpur (M.S.)
6. N. Jagdish Naidu, aged 36 years, s/o late Shri N.S.Prakash, r/o 105, Bandhwapara, Opposite Bhagwati Saw Mill, Torwa, Bilaspur (Chhattisgarh)
7. S. Varsha Naidu, aged 34 years, w/o Shri S.S.K. Naidu, r/o Near Gorewada Tank, Katol Road, Nagpur (M.S.)

8. Smt. K. Harsha, aged 32 years, wife of Shri K. Subhash Rao, Chairman, Chhattisgarh Housing Board, Raipur (Chhattisgarh)
9. Smt. P. Kalpana Naidu, aged 30 years, w/o Shri P. Sanjay Naidu, r/o Q. No.28, Road No.17, Sector – 1, Bhilai, District Durg (Chhattisgarh)
10. Smt. G. Sadhna Naidu, aged 28 years, r/o Q.No.108, Luniyapara, Mahu, District Indore (MP)
11. Kamla Bai, aged 64 years, w/o S.L.Naidu (dead), through L.R. Smt. Sheela Naidu @ Sheelu, w/o Shri E.L. Naidu, Housing Board Colony, Near Niharika Talkies, Korba (Chhattisgarh)
12. Smt. Sharda, w/o Shri G. Kondal Rao, Balco Colony, Balco Korba (Chhattisgarh)
13. N.V. Ramarao, s/o Shri N.V.Ratnam, r/o Bhagyashri Apartment, Dhantoli, Nagpur (M.S.)
14. B. Leelawati, aged 52 years, w/o Shri B.S. Rao, r/o 32, Outer Road, New Colony, TELCO, Jamshedpur (Jharkhand)
15. N.L.Swamy, aged 58 years, s/o N.V. Ratnam, r/o Ratnam Banglow No.105, Vivekanand Nagar, Bandhwapara, Near Old Power House, Torwa, Bilaspur (Chhattisgarh)
16. G. Sukumar Rao Naidu, aged 34 years, s/o J.S.Naidu, Govt. Contractor, Poly Pathar, Gwarighat Road, Jabalpur (MP)
17. E. Gangu Bai, aged 54 years, wife of E.N.Rao, r/o MIG Housing Board Colony, Near Sabji Mandi Road Panipat (Hariyana)
18. B.Padmawati, aged 50 years, w/o B.Krishna Rao Naidu, r/o Plot No.8, Mani Se out, Ranapratap Nagar Road, Ghopal Nagpur (M.S.)
19. G. Chandrakanta, aged 48 years, w/o G.S. Naidu, r/o 1292, Napier Town, Jabalpur (MP)

Application under Order 41 Rule 19 of the Code of Civil Procedure, 1908

Present : Shri Somnath Verma, counsel for the applicant.
Shri Alok Bakshi, counsel for non-applicants No.1 to 13.
Shri Sanjay S. Agrawal, counsel for non-applicant No.14.
None appears for other non-applicants.

ORAL ORDER

(Passed on 24th August, 2007)

The following oral order of the Court was passed by **Hon'ble Shri Jagdish Bhalla, Acting Chief Justice** :

Heard on the application for restoration of First Appeal No.411/1996.

Shri Alok Bakshi, learned counsel for non-applicants No.1 to 13 and Shri Sanjay S. Agrawal, learned counsel for non-applicant No.14 have no objection to restoration.

Accordingly, the application for restoration, i.e., the M.C.C. is allowed and First Appeal No.411/1996 is restored to its original number.

List First Appeal No.411/1996 before the appropriate Bench on 10-09-2007. It shall not be treated as part heard by this Bench.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Gopal